

By Grant Jones  
Brooks

S.J.R. No. 22

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the manner in  
2 which a vacancy in the office of lieutenant governor is to be  
3 filled.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. That Article IV, Section 16, of the Texas  
6 Constitution be amended to read as follows:

7 Sec. 16. (a) There shall also be a Lieutenant Governor, who  
8 shall be chosen at every election for Governor by the same  
9 electors, in the same manner, continue in office for the same time,  
10 and possess the same qualifications. The electors shall  
11 distinguish for whom they vote as Governor and for whom as  
12 Lieutenant Governor. The Lieutenant Governor, shall by virtue of  
13 his office, be President of the Senate, and shall have, when in  
14 Committee of the Whole, a right to debate and vote on all  
15 questions; and when the Senate is equally divided to give the  
16 casting vote. In case of the death, resignation, removal from  
17 office, inability or refusal of the Governor to serve, or of his  
18 impeachment or absence from the State, the Lieutenant Governor  
19 shall exercise the powers and authority appertaining to the office  
20 of Governor until another be chosen at the periodical election, and  
21 be duly qualified; or until the Governor impeached, absent or  
22 disabled, shall be acquitted, return, or his disability be removed.

23 (b) Within 30 days after a vacancy occurs in the office of  
24 Lieutenant Governor, the President Pro Tempore of the Senate shall

1 convene the Committee of the Whole Senate. The Committee of the  
2 Whole shall elect one of its members as Lieutenant Governor to  
3 serve until the next general election. Until the Committee of the  
4 Whole elects one of its members as Lieutenant Governor, the  
5 President Pro Tempore shall perform the duties of Lieutenant  
6 Governor as provided by Article III, Section 9, of this  
7 Constitution.

8       SECTION 2. This proposed constitutional amendment shall be  
9 submitted to the voters at an election to be held on November 6,  
10 1984. The ballot shall be printed to provide for voting for or  
11 against the proposition: "The constitutional amendment authorizing  
12 the state senate to fill a vacancy in the office of lieutenant  
13 governor."

1 By: Jones, Brooks S.J.R. No. 22  
2 (In the Senate - Filed March 1, 1983; March 1, 1983, read  
3 first time and referred to Committee on State Affairs;  
4 March 29, 1983, reported adversely, with favorable Committee  
5 Substitute; March 29, 1983, sent to printer.)

6 COMMITTEE SUBSTITUTE FOR S.J.R. No. 22 By: Brooks

7 SENATE JOINT RESOLUTION

8 proposing a constitutional amendment relating to the manner in  
9 which a vacancy in the office of lieutenant governor is to be  
10 filled.

11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

12 SECTION 1. That Article III, Section 9, of the Texas  
13 Constitution be amended to read as follows:

14 "Section 9. (a) The Senate shall, at the beginning and  
15 close of each session, and at such other times as may be necessary,  
16 elect one of its members President pro tempore, who shall perform  
17 the duties of the Lieutenant Governor in any case of absence or  
18 disability of that officer. ~~If[,-and-when-ever]~~ the said office of  
19 Lieutenant Governor becomes ~~[shall-be]~~ vacant, the President pro  
20 tempore of the Senate shall convene the Committee of the Whole  
21 Senate within 30 days after the vacancy occurs. The Committee of  
22 the Whole shall elect one of its members to perform the duties of  
23 the Lieutenant Governor in addition to his duties as Senator until  
24 the next general election. If the Senator so elected ceases to be  
25 a Senator before the election of a new Lieutenant Governor, another  
26 Senator shall be elected in the same manner to perform the duties  
27 of the Lieutenant Governor until the next general election. Until  
28 the Committee of the Whole elects one of its members for this  
29 purpose, the President pro tempore shall perform the duties of the  
30 Lieutenant Governor as provided by this subsection.

31 "(b) The House of Representatives shall, when it first  
32 assembles, organize temporarily, and thereupon proceed to the  
33 election of a Speaker from its own members.

34 "(c) ~~Each[,-and-each]~~ House shall choose its other  
35 officers."

36 SECTION 2. This proposed constitutional amendment shall be  
37 submitted to the voters at an election to be held on November 6,  
38 1984. The ballot shall be printed to provide for voting for or  
39 against the proposition: "The constitutional amendment authorizing  
40 the state senate to fill a vacancy in the office of lieutenant  
41 governor."

42 \* \* \* \* \*

43 Austin, Texas  
44 March 29, 1983

45 Hon. William P. Hobby  
46 President of the Senate

47 Sir:

48 We, your Committee on State Affairs to which was referred S.J.R.  
49 No. 22, have had the same under consideration, and I am instructed  
50 to report it back to the Senate with the recommendation that it do  
51 not pass, but that the Committee Substitute adopted in lieu thereof  
52 do pass and be printed.

53 Farabee, Chairman

S.J.R. 22 by Jones

Proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to filled.

Background Information:

Currently, there is no mechanism for filling a vacancy in the office of lieutenant governor. The President Pro Tempore of the Senate performs the duties of the lieutenant governor when the office is vacant, but each time the legislature convenes or adjourns a new President Pro Tempore must be chosen, and a different person fulfills the duties of the office.

Problems that the Bill Addresses:

The bill attempts to provide a method of selecting a lieutenant governor to serve until the next general election.

How This Bill Will Solve the Problem(s):

It would have the President Pro Tempore call a meeting of the Senate (in the form of Committee of the Whole Senate) to select a senator to serve as lieutenant governor until the next general election.

This bill amends existing law and proposes new law.

Section by Section Analysis:

SECTION 1: Requires the President Pro Tempore to call a meeting of the Senate when a vacancy occurs in the office of Lieutenant Governor to select a Senator to serve as Lieutenant Governor until the next general election.

SECTION 2: Requires the Constitutional amendment to be submitted to the voters November 6, 1984.

Changes in Agency Rulemaking Authority:

None.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 23, 1983

Honorable Ray Farabee, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

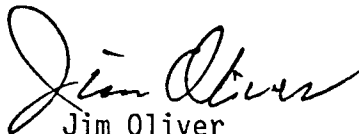
In Re: Senate Joint Resolution No. 22  
By: Jones

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 22 (proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to be filled) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$52,350.

  
Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, LV

ESC.  
C-2  
JHE

By Jones

S.J.R. No. 22

Substitute the following for S.J.R. No. 22:

By

*Brown*

C.S.S.J.R. No. 22

SENATE  
A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the manner in  
2 which a vacancy in the office of lieutenant governor is to be  
3 filled.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. That Article III, Section 9, of the Texas  
6 Constitution be amended to read as follows:

7 " ~~Sec 9~~ <sup>Sec 10</sup> (a) The Senate shall, at the beginning and close of  
8 each session, and at such other times as may be necessary, elect  
9 one of its members President pro tempore, who shall perform the  
10 duties of the Lieutenant Governor in any case of absence or  
11 disability of that officer. If ~~[7-and-whenver]~~ the said office of  
12 Lieutenant Governor becomes ~~[shall-be]~~ vacant, the President pro  
13 tempore of the Senate shall convene the Committee of the Whole  
14 Senate within 30 days after the vacancy occurs. The Committee of  
15 the Whole shall elect one of its members to perform the duties of  
16 the Lieutenant Governor in addition to his duties as Senator until  
17 the next general election. If the Senator so elected ceases to be  
18 a Senator before the election of a new Lieutenant Governor, another  
19 Senator shall be elected in the same manner to perform the duties  
20 of the Lieutenant Governor until the next general election. Until  
21 the Committee of the Whole elects one of its members for this  
22 purpose, the President pro tempore shall perform the duties of the  
23 Lieutenant Governor as provided by this subsection.

24 " (b) The House of Representatives shall, when it first

3/29/83  
4/1/83

1     assembles, organize temporarily, and thereupon proceed to the  
2     election of a Speaker from its own members.

3         ~~(c) Each~~ ~~[,--and-each]~~ House shall choose its other officers. 4/

4         SECTION 2. This proposed constitutional amendment shall be  
5     submitted to the voters at an election to be held on November 6,  
6     1984. The ballot shall be printed to provide for voting for or  
7     against the proposition: "The constitutional amendment authorizing  
8     the state senate to fill a vacancy in the office of lieutenant  
9     governor."

April 7 1983 Engrosser  
Daisy Spaw  
Engrossing Clerk

1983 APR 15 AM 8:26

I certify that the attached is a true and correct  
copy of HR 27 which was  
received from the Senate on APR 11 1983 and  
referred to the Committee on State Affairs  
Betty Messer  
Chief Clerk of the House

By: Jones, Brooks  
(Messer)

S.J.R. No. 22

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the manner in  
which a vacancy in the office of lieutenant governor is to be  
filled.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article III, Section 9, of the Texas  
Constitution be amended to read as follows:

"Section 9. (a) The Senate shall, at the beginning and  
close of each session, and at such other times as may be necessary,  
elect one of its members President pro tempore, who shall perform  
the duties of the Lieutenant Governor in any case of absence or  
disability of that officer. ~~If [7-and-whenever]~~ the said office of  
Lieutenant Governor becomes ~~[shall-be]~~ vacant, the President pro  
tempore of the Senate shall convene the Committee of the Whole  
Senate within 30 days after the vacancy occurs. The Committee of  
the Whole shall elect one of its members to perform the duties of  
the Lieutenant Governor in addition to his duties as Senator until  
the next general election. If the Senator so elected ceases to be  
a Senator before the election of a new Lieutenant Governor, another  
Senator shall be elected in the same manner to perform the duties  
of the Lieutenant Governor until the next general election. Until  
the Committee of the Whole elects one of its members for this  
purpose, the President pro tempore shall perform the duties of the  
Lieutenant Governor as provided by this subsection.

"(b) The House of Representatives shall, when it first

1     assembles, organize temporarily, and thereupon proceed to the  
2     election of a Speaker from its own members.

3             "(c) Each~~[7--and--each]~~ House shall choose its other  
4     officers."

5             SECTION 2. . This proposed constitutional amendment shall be  
6     submitted to the voters at an election to be held on November 6,  
7     1984. The ballot shall be printed to provide for voting for or  
8     against the proposition: "The constitutional amendment authorizing  
9     the state senate to fill a vacancy in the office of lieutenant  
10    governor."

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 23, 1983

Honorable Ray Farabee, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

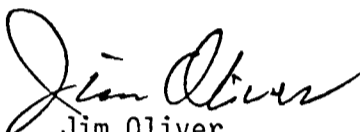
In Re: Senate Joint Resolution No. 22  
By: Jones

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 22 (proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to be filled) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$52,350.

  
Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, LV

1033 MAY 13 PM 9:02

HOUSE OF REPRESENTATIVES

# HOUSE COMMITTEE REPORT

1st Printing

By: Jones, Brooks  
(Messer)

S.J.R. No. 22

## SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to be filled.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article III, Section 9, of the Texas Constitution be amended to read as follows:

"Section 9. (a) The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disability of that officer. If[~~7--and-whensoever~~] the said office of Lieutenant Governor becomes [shall-be] vacant, the President pro tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole shall elect one of its members to perform the duties of the Lieutenant Governor in addition to his duties as Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole elects one of its members for this purpose, the President pro tempore shall perform the duties of the Lieutenant Governor as provided by this subsection.

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1     assembles, organize temporarily, and thereupon proceed to the  
2     election of a Speaker from its own members.

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7     1984. The ballot shall be printed to provide for voting for or  
8     against the proposition: "The constitutional amendment authorizing  
9     the state senate to fill a vacancy in the office of lieutenant  
10    governor."

# COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

5-11-83

(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS, to whom was referred SJR 22 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ( ☒ ) do pass, without amendment.  
( ☐ ) do pass, with amendment(s).  
( ☐ ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ( ☒ ) yes ( ☐ ) no

An author's fiscal statement was requested. ( ☐ ) yes ( ☒ ) no

An actuarial analysis was requested. ( ☐ ) yes ( ☒ ) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure ( ☒ ) proposes new law. An Amendment to the Constitution  
( ☐ ) amends existing law.

House Sponsor of Senate Measure Mr. [Signature]

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			<input checked="" type="checkbox"/>	
Ceverha, V.C.	<input checked="" type="checkbox"/>			
Millsap, C.B.O.				<input checked="" type="checkbox"/>
Bomer				<input checked="" type="checkbox"/>
Bush	<input checked="" type="checkbox"/>			
Davis	<input checked="" type="checkbox"/>			
Gilley	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Hill, P.				<input checked="" type="checkbox"/>
Horn	<input checked="" type="checkbox"/>			
Keller				<input checked="" type="checkbox"/>
Pennington	<input checked="" type="checkbox"/>			
Short	<input checked="" type="checkbox"/>			
Smith, C.				<input checked="" type="checkbox"/>
Stiles				<input checked="" type="checkbox"/>

Total

8 aye

0 nay

1 present, not voting

0 absent

CHAIRMAN

COMMITTEE COORDINATOR

## BILL ANALYSIS

### Background

Currently, there is no mechanism for filling a vacancy in the office of lieutenant governor. The President Pro Tempore of the Senate performs the duties of the lieutenant governor when the office is vacant, but each time the legislature convenes or adjourns a new President Pro Tempore must be chosen.

### Purpose

This resolution proposes a constitutional amendment to provide a method in which a vacancy in the office of lieutenant governor is to be filled.

### Section by Section Analysis

- Sec. 1 Amends Article III, Section 9 of the Texas Constitution, to require the President Pro Tempore to call a meeting of the Senate when a vacancy occurs in the office of Lieutenant Governor to select a Senator to serve as Lieutenant Governor until the next general election.
- Sec. 2 Sets forth that a constitutional amendment shall be submitted to the voters at an election to be held on November 6, 1984.

### Rulemaking Authority

It is the committee's opinion that this resolution does not delegate rulemaking authority to a state officer, agency, department or institution.

### Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on May 9, 1983.

On May 11, 1983 the full committee voted to report S.J.R. 22 to the House without amendments and the recommendation that it do pass by a record vote of 8 ayes and 0 nays.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 6, 1983

Honorable James E. (Pete) Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

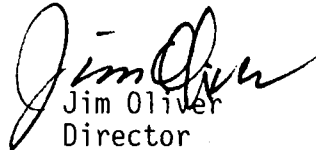
In Re: Senate Joint Resolution No. 22,  
as engrossed  
By: Jones

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 22, as engrossed (proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to be filled), this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$52,350.

  
Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, DM

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 23, 1983

Honorable Ray Farabee, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas


In Re: Senate Joint Resolution No. 22  
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Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, LV

C. Lee

Enrolled May 26, 1983  
Patricia Spivey  
Enrolling Clerk

S.J.R. No. 22

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to be filled.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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C. H. Lee

S.J.R. No. 22

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8     against the proposition: "The constitutional amendment authorizing  
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*Page 3*

S.J.R. No. 22

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.J.R. No. 22 was passed by the Senate on April 7, 1983, by the following vote: Yeas 26, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.J.R. No. 22 was passed by the House on May 25, 1983, by the following vote: Yeas 106, Nays 36, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 6, 1983

Honorable James E. (Pete) Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: Senate Joint Resolution No. 22,  
as engrossed  
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Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 22, as engrossed (proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to be filled), this office has determined the following:

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Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, DM

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 23, 1983

Honorable Ray Farabee, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

In Re: Senate Joint Resolution No. 22  
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Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, LV

3-1-83

3-1-83

State Affairs

3-29-83

4-7-83

unanimous consent.

~~years,~~ ~~days.~~

4-7-83

4-7-83

4-7-83

Betty King

4-7-83

4-11-83

*Patsy Spaw*  
ENGROSSING

## ENGROSSING CLERK

APR 13 1983

State affairs

5.11-83

3pm

MAY 13 1983

Printed and Distributed 9:02 P.M.

**MAY 13 1983**

**Sent to Committee on Calendars**

3:15pm

MAY 25 1983

~~failed adoption~~ by Record Vote of

106 yeas 36 nays 1 present not voting

failed adoption by a Record Vote of

\_\_\_\_\_ yeas \_\_\_\_\_ nays \_\_\_\_\_ present not voting

**Caption ordered amended to conform to body of resolution**

MAY 26 1983

**— Returned to Senate.**

Betty Murray

Chief Clerk of the House

MAY 26 1983

RETURNED FROM MISS